

FILED

MAY 02 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[Stipulating parties listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-CV-05944-JST
MDL No. 1917

This Document Relates To:

*Sears, Roebuck and Co. and Kmart Corp. v.
Chunghwa Picture Tubes, Ltd., No. 11-cv-
05514*

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SEARS &
KMART'S SCOPE OF ARGUMENT AT
TRIAL**

1 WHEREAS Plaintiffs Sears, Roebuck and Co. and Kmart Corporation ("Plaintiffs") are the
2 only remaining plaintiffs in Case No. 11-cv-05514;

3 WHEREAS LG Electronics, Inc. ("LGE") is the only remaining defendant in Case No. 11-
4 cv-05514;

5
6 PURSUANT TO LOCAL RULE 7-12, PLAINTIFFS AND LGE, BY AND THROUGH
7 THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

8 1. Plaintiffs will not argue at trial or otherwise suggest that they are the only entities
9 seeking to hold LGE liable for its involvement in the alleged conspiracy, such that Plaintiffs are
10 "the only champions" attempting to hold LGE accountable.

11 2. Nothing in this stipulation prevents Plaintiffs from arguing in support of their motion *in*
12 *limine* that evidence of other lawsuits and settlements should be excluded or from seeking a jury
13 instruction from the Court explaining the importance of private enforcement of the antitrust laws.
14 *See* ECF No. 3558 at 24-29 (MIL # 6). Nor does anything in this stipulation prevent LGE from
15 arguing in opposition to that motion that evidence of other lawsuits and settlements should be
16 admitted, or in opposition to such a jury instruction. *See* ECF No. 3676-4 at 28-35.

17 3. LGE will withdraw as moot its Request for Leave to File a Motion to Exclude Any
18 Argument by Plaintiffs that They Are the Only Entities Trying to Hold LGE Liable for Its
19 Involvement in the Alleged Conspiracy and to Admit Evidence of Other Lawsuits and Settlements,
20 ECF No. 4562.

21 4. This stipulation shall not be introduced into evidence during the jury trial or read to the
22 jury during trial, and it shall not be relied on to support an entitlement to any relief not expressly
23 contemplated by the terms of this stipulation.

1 Dated: April 28, 2016

Respectfully submitted,

3 *MUNGER, TOLLES & OLSON LLP*

4 /s/ Brad D. Brian

Brad Brian (State Bar No. 079001)

brad.brian@mto.com

Gregory J. Weingart (State Bar No. 157997)

gregory.weingart@mto.com

Susan E. Nash (State Bar No. 101837)

susan.nash@mto.com

E. Martin Estrada (State Bar No. 223802)

martin.estrada@mto.com

MUNGER, TOLLES & OLSON LLP

355 South Grand Avenue, 35th Floor

Los Angeles, California 90071-1560

Telephone: (213) 683-9100

Facsimile: (213) 687-3702

Attorneys for Defendant LG Electronics, Inc.

14 /s/ William J. Blechman

Richard Alan Arnold

kmurray@knpa.com

William J. Blechman

wblechman@knpa.com

Kevin J. Murray

rarnold@knpa.com

KENNY NACHWALTER, P.A.

Four Seasons Tower

Suite 1100

1441 Brickell Avenue

Miami, Florida 33131

Telephone: (305) 373-1000

Facsimile: (305) 372-1861

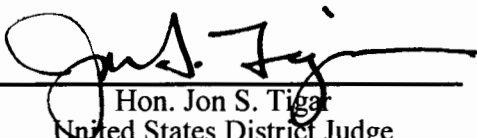
*Attorneys for Plaintiffs Sears, Roebuck and Co. and
Kmart Corp.*

25 Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this
26 document has been obtained from each of the above signatories.

1 It is so stipulated and agreed to by the parties.

2
3 PURSUANT TO STIPULATION, IT IS SO ORDERED.

4
5 Dated: 5/2/16

6 
Hon. Jon S. Tigar
United States District Judge